

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: HAVA Federal Election Activities Funds

DEPARTMENT: Supervisor of Elections

DIVISION:

AUTHORIZED BY: Sharon Peters, Sabrina O'Bryan

CONTACT: Jennifer Bero

EXT: 7125

MOTION/RECOMMENDATION:

Approve and authorize the Chairman to execute the Certificate Regarding Matching Funds contained within the Memorandum of Agreement between the Florida Department of State and the Seminole County Supervisor of Elections; and approve BAR #08-92 for the \$10,063.56 of grant proceeds.

County-wide

Michael Ertel

BACKGROUND:

The 2008 Legislature appropriated \$3,000,000 to be distributed Statewide to Supervisors of Elections, assisting with funding federal election activities. Funds are distributed to each eligible Supervisor based upon active registered voters in each county as of the 2008 Presidential Preference Primary Election.

The amount allocated to Seminole County is \$67,090.41. For the grant to be received, the Board must approve for the Chairman to execute a Certificate Regarding Matching Funds, certifying the Board will provide matching funds equal to 15%, which for Seminole County is \$10,063.56. The match will be funded by the Supervisor of Elections current fiscal year budget.

STAFF RECOMMENDATION:

The Supervisor of Elections recommends that the Board approve and authorize the Chairman to execute the Certificate Regarding Matching Funds contained within the Memorandum of Agreement between the Florida Department of State and the Seminole County Supervisor of Elections; and approve BAR #08-92 for the \$10,063.56 of grant proceeds.

ATTACHMENTS:

1. Certificate
2. Budget Amendment Request

Additionally Reviewed By:

☐ Budget Review (Betty Segal, Lisa Spriggs)

MEMORANDUM OF AGREEMENT
RECEIPT AND USE OF HAVA FUNDS
FOR FEDERAL ELECTION ACTIVITIES

This agreement, effective as of the date fully executed, is by and between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, the address of which is the R.A. Gray Building, 500 South Bronough Street, Room 316, Tallahassee, FL 32399-0250 and Seminole County Supervisor of Elections, The Honorable Michael Ertel ("Supervisor"), the address of which is Post Office Box 1479, Sanford, FL 32772-1479 for the purpose of governing the receipt and use of federal funds as specified herein.

I. Governing Law

Section 6 of Chapter 2008-152, Laws of Florida, provides for the disbursement of funds to be used for federal election activities. From the funds appropriated from the Grants and Donations Trust Fund to the Department of State, Specific Appropriation 3149 of the 2008-2009 General Appropriations Act, the sum of \$3,000,000 is being distributed in the state fiscal year 2008-2009 to the county supervisors of elections to fund federal election activities. Funding to support the FY 2008-09 appropriation for federal election activities is made available through section 251 of the Help America Vote Act of 2002 (HAVA) and the Catalog of Federal Domestic Assistance (CFDA) 90.401, Help America Vote Act Requirements Payments.

II. Restrictions

The Supervisor must comply with the requirements of **Attachment A** for funds that may be awarded under this Agreement. **Attachment A** indicates requirements associated with an award of federal resources and is incorporated by reference as if fully set forth herein. However, no funds shall be disbursed until the Supervisor first satisfies the requirements of paragraph 2 of **Attachment A**.

The Supervisor shall use funds received under this Agreement solely for the purposes set forth in paragraph 1 of **Attachment A** and in a manner consistent with the provisions of HAVA, including placing such funds in an interest bearing account until disbursed or expended. Funds received from the FY 2008-09 appropriation must be used to support election activities related only to federal elections (that is, elections in which a federal candidate is on the ballot). If any of the FY 2008-09 federal election activity funds are used for an election in which a federal candidate is not on the ballot, the cost must be pro-rated for the portion of the expenditure that is allocable to a federal election.

The Supervisor shall not use any funds received hereunder to support state or federal lobbying activities but this does not affect the right, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

The Supervisor must return or repay the Department any funds received under this Agreement that are used for any unauthorized purpose.

III. Disbursement

The Department shall distribute to each eligible county supervisor of elections an amount equal to the funding level per voter multiplied by the number of active registered voters in the county for the 2008 Presidential Preference Primary Election. The Department shall determine the funding level per voter in the state based on that information. The Supervisor shall receive a sum certain as outlined in **Attachment B**.

IV. Monitoring, Reporting, and Audits

The administration of resources awarded to the Supervisor is subject to audits and/or monitoring by the Department of State as described in this section.

A. Monitoring and Reporting

In addition to reviews of audits conducted in accordance with OMB Circular A-133, as revised, and Section 215.97, F.S., (see Part B "Audits") monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the Supervisor agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department.

In the event the Department determines that a limited scope audit of the Supervisor is appropriate, the Supervisor agrees to comply with any additional instructions provided by Department staff to the Supervisor regarding such audit. The Supervisor further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

The Department shall closely monitor the Supervisors' annual expenditure reports required by paragraph 5 of **Attachment A** to ensure that the Supervisors expend HAVA funds in accordance with approved plans and will require reimbursement for all expenditures not approved. Also, the Department shall ensure that Supervisors report the expenditures made with HAVA funds separately from expenditures made with county funds. In addition, prior to the expenditure of any HAVA funds, the Supervisor must submit to the Department for review and approval any change, modification or deviation from the activities or expenses set forth in the plan as submitted initially pursuant to paragraph 2 in **Attachment A**.

B. Audits

Part I: Federal Funds—This part is applicable if the Supervisor is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the Supervisor expends \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) or more in Federal awards in its fiscal year, the Supervisor must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. **Attachment A** indicates Federal resources awarded through the Department by this Agreement. In determining the Federal awards expended in its fiscal year, the Supervisor shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended shall be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the Supervisor conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, shall meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the Supervisor shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the Supervisor expends less than \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the Supervisor expends less than \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from Supervisor resources obtained from other than Federal entities).
4. *Additional guidance to state and federal monitoring and auditing requirements may be found at <http://www.eac.gov>; and <http://election.dos.state.fl.us/hava/index.shtml>*

Part II: State Funds—This part is applicable if the Supervisor is a nonstate entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the Supervisor expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such Supervisor (for fiscal years ending September 30, 2004 or thereafter), the Supervisor must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. **Attachment A** indicates state financial assistance awarded through the Department by this agreement. In determining the state financial assistance expended in its fiscal year, the Supervisor shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1, the Supervisor shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the Supervisor expends less than \$500,000 in state financial assistance in its fiscal year (for fiscal years ending September 30, 2004 or thereafter), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the Supervisor expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the Supervisor's resources obtained from other than State entities).

Part III: Other Audit Requirements--Pursuant to Section 215.97(8), Florida Statutes, the Department may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the Department must arrange for funding the full cost of such additional audits.

Part IV: Report Submission--

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the Supervisor directly to each of the following:

*Department of State
Division of Elections
R.A. Gray Building
500 S. Bronough Street, Ste 316
Tallahassee, Florida 32399-0250*

*Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, Indiana 47132*

Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320 (f), OMB Circular A-133, as revised, the Supervisor shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letter issued by the auditor, to the Department at the following address:

*Department of State
Office of Inspector General
Clifton Building, Suite 320
2661 Executive Center Circle
Tallahassee, Florida 32399-0250*

3. Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the Supervisor directly to each of the following:

*Department of State
Office of Inspector General
Clifton Building, Suite 320
2661 Executive Center Circle
Tallahassee, Florida 32399-0250*

*Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450*

4. Copies of reports or the management letter required by PART III of this agreement shall be submitted by or on behalf of the Supervisor directly to:

*Department of State
Office of Inspector General
Clifton Building, Suite 320
2661 Executive Center Circle
Tallahassee, Florida 32399-0250*

5. Any reports, management letter, or other information required to be submitted to the Department of State pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Supervisors, when submitting financial reporting packages to the Department of State for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Supervisor in correspondence accompanying the reporting package.

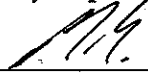
Part V: Record Retention—The Supervisor shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of five years from the date the audit report is issued, and shall allow the Department or its designee, CFO, or Auditor General access to such records upon request. The Supervisor shall ensure that audit working papers are made available to the Department or its designee, CFO, or Auditor General upon request for a period of five years from the date the audit report is issued, unless extended in writing by the Department.

V. Entirety of the Agreement

All terms and conditions of this agreement are fully set forth in this document and shall be governed by the laws of the State of Florida regardless of any conflict of laws provisions. In any proceeding or action brought under this section, the parties agree that the prevailing party will be entitled to its reasonable attorney's fees from the other party. The parties agree that proper venue will be in Leon County, Florida.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their undersigned officials as duly authorized.

County Supervisor of Elections:

By: 

Michael Ertel
Supervisor of Elections

Typed name and title



Witness

7/15/08
Date

Department of State, Division of Elections:

By: _____

Typed name and title

Witness

Date

ATTACHMENT A

Federal Program: Federal Help America Vote Act--Catalog of Federal Domestic Assistance (CFDA) § 90.401 Help America Vote Act Requirements Payments for the amount specified in Attachment B.

Compliance Requirements Applicable to the Federal Resources Awarded Pursuant to this Agreement are as Follows:

1. Funds received pursuant to this Agreement may only be expended for one or more of the following federal election activities:

- Voter education;
- Poll worker recruitment and training;
- Revisions to the statewide poll worker curriculum;
- Standardizing election results reporting; or
- Other federal election administration activities, as approved by the Department of State.

2. No funds shall be distributed to the Supervisor pursuant to this Agreement until the Supervisor:

- Provides to the Department a detailed description of the programs that will be implemented in the Supervisor's federal election activities plan. The Supervisor shall identify the source of funds (federal, local, county matching funds) being used for each federal election activity set forth in the plan.
- Completes and submits ED Form GCAS-009 (6/88), entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions." Such form is attached hereto as **Attachment A-1**.

➤ Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency. A completed federal form ED Form GCS-009, 6/88, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions" must be submitted to the Department of State prior to receiving disbursement.

- Provides a written certification from the Board of County Commissioners (Board) that the county will provide matching funds for federal election activities in an amount equal to 15% of the amount to be received from the state. If the Board of County Commissioners fails to appropriate the matching funds

required by this paragraph, any funds provided to the Supervisor under this Agreement shall be returned to the Department.

3. The Supervisor must establish and place these funds in an interest bearing account. The Supervisor must segregate federal election activity distributions and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Any funds remaining at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.
4. The Supervisor shall maintain separate accounting records for each of the funding sources identified under its plan submitted pursuant to paragraph #2.
5. The Supervisor shall provide a written report to the Department on or before **December 31, 2009** detailing the actual expenditures by the Supervisor of the funds provided under this Agreement. The report shall cover the period from the date of receipt of the funds by the Supervisor through **September 30, 2009**. The report must include documentation that the Board of County Commissioners appropriated matching funds as certified pursuant to paragraph 2. Failure of the Board to appropriate the funds must be reported and will result in return or repayment of funds awarded under this Agreement. Supervisors shall also report to the Department any unspent funds remaining at **June 30, 2009**. The Supervisor shall subsequently provide such report by December 31 of each and every year thereafter, covering the preceding period of October 1 through September 30, as well as unspent funds remaining at June 30, as long as any funds provided for under this Agreement remain and/or are expended
6. Copies of any reports or other submissions required by paragraphs 2 and 5 of this Attachment shall be submitted by or on behalf of the Supervisor directly to:

Department of State
Division of Elections
R.A. Gray Building
500 S. Bronough Street, Suite 316
Tallahassee, Florida 32399-0250

State Resources Awarded to the Supervisor Pursuant to this Agreement Consist of the Following: N/A

Matching Resources for Federal Programs: N/A

Subject to section 215.97, Florida Statutes: N/A

Compliance Requirements applicable to State Resources Awarded Pursuant to this Agreement are as Follows: N/A

DEPARTMENT OF STATE
DIVISION OF ELECTIONS
FEDERAL ELECTION ACTIVITIES
FY 2008-09

COUNTY	2008 PRESIDENTIAL PREFERENCE PRIMARY REGISTERED VOTERS	FEDERAL ELECTION ACTIVITIES FUNDING PER COUNTY	COUNTY MATCHING FUNDS 15%
Alachua	128,559	\$ 37,799.94	\$ 5,669.99
Baker	12,997	\$ 3,821.48	\$ 573.22
Bay	99,866	\$ 29,363.39	\$ 4,404.51
Bradford	14,928	\$ 4,389.25	\$ 658.39
Brevard	317,165	\$ 93,255.37	\$ 13,988.31
Broward	890,836	\$ 261,930.67	\$ 39,289.60
Calhoun	8,656	\$ 2,545.11	\$ 381.77
Charlotte	113,267	\$ 33,303.66	\$ 4,995.55
Citrus	97,484	\$ 28,663.02	\$ 4,299.45
Clay	114,080	\$ 33,542.71	\$ 5,031.41
Collier	191,635	\$ 56,346.04	\$ 8,451.91
Columbia	35,276	\$ 10,372.13	\$ 1,555.82
DeSoto	15,597	\$ 4,585.95	\$ 687.89
Dixie	10,168	\$ 2,989.68	\$ 448.45
Duval	558,658	\$ 164,261.06	\$ 24,639.16
Escambia	169,418	\$ 49,813.63	\$ 7,472.04
Flagler	54,193	\$ 15,934.26	\$ 2,390.14
Franklin	7,348	\$ 2,160.52	\$ 324.08
Gadsden	28,282	\$ 8,315.70	\$ 1,247.35
Gilchrist	9,970	\$ 2,931.46	\$ 439.72
Glades	6,346	\$ 1,865.90	\$ 279.89
Gulf	9,010	\$ 2,649.19	\$ 397.38
Hamilton	7,087	\$ 2,083.78	\$ 312.57
Hardee	11,255	\$ 3,309.28	\$ 496.39
Hendry	15,601	\$ 4,587.13	\$ 688.07
Hernando	115,713	\$ 34,022.85	\$ 5,103.43
Highlands	63,118	\$ 18,558.46	\$ 2,783.77
Hillsborough	608,239	\$ 178,839.26	\$ 26,825.89
Holmes	10,856	\$ 3,191.97	\$ 478.80
Indian River	80,873	\$ 23,778.92	\$ 3,566.84
Jackson	25,824	\$ 7,592.98	\$ 1,138.95
Jefferson	9,875	\$ 2,903.53	\$ 435.53
Lafayette	4,277	\$ 1,257.56	\$ 188.63
Lake	172,240	\$ 50,643.37	\$ 7,596.51
Lee	263,968	\$ 77,613.97	\$ 11,642.10
Leon	150,747	\$ 44,323.83	\$ 6,648.57
Levy	24,098	\$ 7,085.49	\$ 1,062.82
Liberty	3,952	\$ 1,162.00	\$ 174.30
Madison	11,860	\$ 3,487.17	\$ 523.08
Manatee	194,553	\$ 57,204.02	\$ 8,580.60
Marion	201,131	\$ 59,138.13	\$ 8,870.72

DEPARTMENT OF STATE
DIVISION OF ELECTIONS
FEDERAL ELECTION ACTIVITIES
FY 2008-09

COUNTY	2008 PRESIDENTIAL PREFERENCE PRIMARY REGISTERED VOTERS	FEDERAL ELECTION ACTIVITIES FUNDING PER COUNTY	COUNTY MATCHING FUNDS 15%
Martin	94,889	\$ 27,900.02	\$ 4,185.00
Miami-Dade	1,085,527	\$ 319,175.27	\$ 47,876.29
Monroe	49,633	\$ 14,593.49	\$ 2,189.02
Nassau	42,715	\$ 12,559.40	\$ 1,883.91
Okaloosa	119,160	\$ 35,036.37	\$ 5,255.46
Okeechobee	17,768	\$ 5,224.29	\$ 783.64
Orange	508,185	\$ 149,420.59	\$ 22,413.09
Osceola	123,279	\$ 36,247.47	\$ 5,437.12
Palm Beach	782,748	\$ 230,149.78	\$ 34,522.47
Pasco	268,382	\$ 78,911.81	\$ 11,836.77
Pinellas	604,337	\$ 177,691.96	\$ 26,653.79
Polk	298,049	\$ 87,634.73	\$ 13,145.21
Putnam	43,489	\$ 12,786.98	\$ 1,918.05
Santa Rosa	98,858	\$ 29,067.01	\$ 4,360.05
Sarasota	241,870	\$ 71,116.54	\$ 10,667.48
Seminole	228,177	\$ 67,090.41	\$ 10,063.56
St. Johns	123,427	\$ 36,290.99	\$ 5,443.65
St. Lucie	144,217	\$ 42,403.83	\$ 6,360.57
Sumter	55,093	\$ 16,198.88	\$ 2,429.83
Suwannee	23,409	\$ 6,882.90	\$ 1,032.44
Taylor	12,342	\$ 3,628.89	\$ 544.33
Union	6,703	\$ 1,970.87	\$ 295.63
Volusia	296,613	\$ 87,212.51	\$ 13,081.88
Wakulla	17,278	\$ 5,080.21	\$ 762.03
Walton	33,124	\$ 9,739.38	\$ 1,460.91
Washington	14,834	\$ 4,361.61	\$ 654.24
TOTAL	10,203,112	\$ 3,000,000.00	\$ 450,000.00

FY 2008-09 APPROPRIATION - FEDERAL ELECTION ACTIVITIES

\$3,000,000

2008 Presidential Preference Primary - Total number of registered voters in the state

10,203,112

FUNDING LEVEL PER INDIVIDUAL VOTER

\$0.2940

(Based on FY 2008-09 appropriation for Federal Election Activities
divided by the total number of registered voters in the state
for the 2008 Presidential Preference Primary.)

Certificate Regarding Matching Funds

I, _____, Chairman of the Board of County Commissioners of Seminole County, Florida, do hereby certify that the Board of County Commissioners will provide matching funds for the Federal Election Activities grant in county FY 2008-2009 to the Supervisor of Elections in an amount equal to at least 15% of the amount to be received from the state, which for Seminole County is \$10,063.56. I understand that if the Board fails to appropriate the required matching funds, all funds received from the state for this grant during the 2008-2009 state fiscal year will be required to be returned to the Department of State.

Chairman, Board of County Commissioners

Date

2008-R-

BUDGET AMENDMENT REQUEST

TO: Seminole County Board of County Commissioners
 FROM: Department of Fiscal Services
 SUBJECT: **Budget Amendment Resolution**
 Department: **Supervisor of Elections**
 Fund(s): General Fund
 PURPOSE: Appropriation of HAVA Funds for Federal Election
 Activities pursuant to the Memorandum of Agreement.

FS Recommendation	
B Segal	7/16/08
Analyst	Date
Budget Manager	Date
Director	Date
08-92	
BAR	

ACTION: Approval and authorization for the Chairman to execute Budget Amendment Resolution.

In accordance with Section 129.06(2), Florida Statutes, it is recommended that the following accounts in the County budget be adjusted by the amounts set forth herein for the purpose described.

Sources:

Account Number	Project #	Account Title	Amount
00100.331100.024000		Voter Education	67,090
Total Sources			\$ 67,090

Uses:

Account Number	Project #	Account Title	Amount
00100.024000.590966		Transfer-Supervisor of Elections	67,090
Total Uses			\$ 67,090

BUDGET AMENDMENT RESOLUTION

This Resolution, 2008-R-_____ approving the above requested budget amendment, was adopted at the regular meeting of the Board of County Commissioners of Seminole County, Florida _____ as reflected in the minutes of said meeting.

Attest:

 Maryanne Morse, Clerk to the
 Board of County Commissioners

By: _____
 Brenda Carey
 Chairman

Date: _____

Date: _____

Entered by County Finance Department

Date: _____